

ROUTH CRABTREE OLSEN, P.S.

3535 FACTORIA BLVD. SE, SUITE 200

BELLEVUE, WA 98006

TELEPHONE (425) 458-2121

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Honorable Judge Philip H. Brandt

Chapter 13

Hearing Location: Tacoma

Hearing Date: October 28, 2009

Hearing Time: 1:30 pm

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

BARRY M JARVIS

ELIZABETH C JARVIS,

Debtors.

Chapter 13 Bankruptcy

No.: 08-41470-PHB

STIPULATED ORDER CONDITIONING STAY
AS TO U.S. BANK, N.A.

THIS MATTER came before the Court on October 28, 2009 for hearing on U.S. Bank, N.A.'s ("Creditor") motion for relief from stay. The Court having reviewed the files and records and finding that the parties, the Creditor, through its attorney Mark Moburg and the debtors, Barry M Jarvis and Elizabeth C Jarvis ("Debtor" collectively hereafter collectively hereafter) through their attorney Susan H. Seelye stipulate and agree to entry of this order, NOW THEREFORE, IT IS HEREBY:

ORDERED that the stay existing pursuant to 11 U.S.C. § 362(a) as to the property located at 1110 E Harrison St., Tacoma, Washington (and legally described in the Deed of Trust attached as an exhibit to the original motion for relief) shall remain in effect as to Creditor subject to the following conditions:

1. The Debtor shall resume monthly mortgage payments due Creditor immediately through the Chapter 13 Trustee beginning with the January 2010 payment and continuing each month thereafter as due.

2. The Debtor stipulates to a post-petition arrearage of \$5,294.80. This amount is comprised of monthly payments of \$1,064.71 for the months of September 2009 to December 2009, late charges of \$170.36, property inspection fees of \$220.00 and attorney fees and costs of \$800.00, minus a suspense balance of \$154.40.

3. Creditor shall file an amended proof of claim to include the post petition default in the amount of \$5,294.80.

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1 IT IS FURTHER ORDERED that should the Debtor fail to resume and keep current the
2 monthly payments or fail to cure the arrears as provided, Creditor shall provide written notice of the
3 default to the Debtor and the Debtor's attorney. The Debtor will then have 15 days from the date the
4 written notice was mailed or delivered to the Debtor and the Debtor's attorney to bring the required
5 payments current, including payments falling due after the date of the notice.

6 IT IS FURTHER ORDERED that if Debtor fails to cure the default as outlined in the notice,
7 then Creditor shall be entitled to submit an order terminating the automatic stay supported by a
8 certificate of non-compliance and copy of the mailed written notice of default.

9 IT IS FURTHER ORDERED that upon the third default of this Stipulated Order, Creditor shall
10 be entitled to submit an *ex parte* order terminating the automatic stay without further notice to the
11 debtor or the debtor's attorney.

12 IT IS FURTHER ORDERED that the terms of this order shall be effective and bind the Debtor
13 as to any filed chapter 13 plan of reorganization in this case.

14 Dated this _____ day of _____, 2010.

15
16 
17 United States Bankruptcy Judge
18 (Dated as of Entered on Docket date above)

19 Presented by:

20 /s/ Mark Moburg
21 Mark Moburg, WSBA# 19463
22 Attorney for U.S. Bank, N.A.

23 Approved as to form and content;
24 Notice of presentation waived:

25 /s/ Ellen Brown
26 Ellen Brown, WSBA # 27992
Attorney for Jarvis, Barry M. and Elizabeth C.

/s/ David M. Howe
David M. Howe
Chapter 13 Trustee

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